

RCK:kim

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

UNITED STATES OF AMERICA,	*
Plaintiff,	*
	*
v.	*
	*
ALL OF THE FUNDS AND PROPERTY	*
IN THREE ACCOUNTS AT BB&T	* Civil No. WDQ-04-2249
AND PNC BANK (SUNG YUL KIM),	*
Defendant,	*
and	*
	*
SUNG YUL KIM,	*
Claimant.	*
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SETTLEMENT AGREEMENT

This Settlement Agreement is made by and between **Sung Yul Kim** ("the claimant"), and the United States of America ("the government"):

WHEREAS, this case was initiated by the filing of a Verified Complaint for Forfeiture on or about July 16, 2004, which, the government submits, sets forth reasonable cause to believe that the defendant property, \$1,021,991.67 that was found in the three subject bank accounts, is forfeitable pursuant to 18 U.S.C. section 981(a)(1)(A); and

WHEREAS, the claimant filed administrative claims for the defendant property and filed a judicial claim in this case; and

WHEREAS, no other claimants have come forward within the time prescribed by Rule C(6) of the Supplemental Rules for Certain

— EXHIBIT B —

Admiralty and Maritime Claims; and

WHEREAS, the claimant neither admits nor disputes the government's assertion that reasonable cause existed for the seizure and forfeiture of the defendant property; and

WHEREAS, the claimant and the government wish to reach a fair and expedited resolution to this matter;

NOW, THEREFORE, for the foregoing reasons and for good and substantial consideration, the adequacy and receipt of which is hereby acknowledged, the claimant and the government agree as follows:

1. The parties agree that a copy of this agreement shall be submitted to the Court in support of a Motion for a Final Order of forfeiture that conforms to the terms of this agreement.

2. The government agrees to release \$721,991.67 of the defendant property to the claimant by check made payable to Coburn & Schertler, LLP, as attorneys for the claimant. The government also agrees to release all other seized items that are not specified in paragraphs 3 or 6.

3. The claimant agrees to hereby withdraw his claims as to the remaining \$300,000, and agrees to forfeit all rights, title, and interest in that \$300,000 of the defendant property to the government.

4. The claimant agrees to indemnify and hold the government harmless from and against all claims, damages, losses, and action

resulting from or arising out of the release of property described in paragraph 2 above, and agrees to bear his own costs and attorney's fees.

5. Except as otherwise provided in this agreement, the government agrees to release all seized personal property to the claimant within two weeks following the entry of a final order in this case.

6. Excepted from seized personal property to be released pursuant to paragraph 5 are the following items provided to State of Maryland Board of Chiropractic Examiners Inspector Paul Murphy, Howard County Police Detective Guy Williams, and Howard County Police Lieutenant Keith Lessner:¹

- A. \$500.00 U.S. Currency and bottle of Cognac (December 17, 2002);
- B. \$1,000.00 U.S. Currency (April 4, 2003);
- C. \$200.00 U.S. Currency (May 16, 2003);
- D. Pearl necklace & earrings (June 11, 2003);
- E. Pearl necklace & earrings (June 11, 2003);
- F. \$500.00 U.S. Currency (July 31, 2003);
- G. \$1,000.00 U.S. Currency (September 30, 2003);
- H. \$1,000.00 U.S. Currency (November 4, 2003);
- I. \$1,500.00 U.S. Currency (November 24, 2003);

¹ The property is listed with the date each was provided to Inspector Murphy, Detective Williams or Lieutenant Lessner.

J. \$500.00 U.S. Currency and bottle of wine (December 24, 2003);

K. \$500.00 U.S. Currency (December 24, 2003);

L. \$500.00 U.S. Currency and bottle of wine (December 24, 2003).

The claimant agrees that he has no right, title, or interest in the preceding list of items described in this paragraph.

7. This agreement states the entire agreement reached between the parties hereto.

Allen F. Loucks
UNITED STATES ATTORNEY

5-13-05

Date

Richard C. Kay

Richard C. Kay
Assistant United States Attorney
Attorney for Plaintiff
United States of America

Date

Sung Yul Kim

5-17-05

Date

Mark E. Schamel

Mark E. Schamel, Esquire
Coburn & Schertler, LLP
Attorneys for **Sung Yul Kim**